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Transmittal Number: 24775204
Date Processed: 04/15/2022

Notice of Service of Process

Primary Contact: Venessa C. Wickline Gribble
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202-1100

Entity: Harris Teeter Supermarkets, Inc.
Entity ID Number 3323024

Entity Served: Harris Teeter Supermarkets Inc

Title of Action: Sajeev Cherian vs. Harris Teeter Supermarkets, Inc.

Matter Name/ID: Sajeev Cherian vs. Harris Teeter Supermarkets, Inc. (12196721)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Loudoun County Circuit Court, VA

Case/Reference No: CL22-1843

Jurisdiction Served: Virginia

Date Served on CSC: 04/13/2022

Answer or Appearance Due: 21 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Magner Law, PC
540-431-4400

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COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT
Civil Division
18 E MARKET ST/PO BOX 550
LEESBURG VA 20178-0550
(703) 777-0270

Summons

To: HARRIS TEETER SUPERMARKETS INC
CORPORATION SERVICE COMPANY
REGISTERED AGENT
100 SHOCKOE SLIP
2ND FLOOR
RICHMOND VA 23219

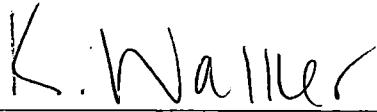
Case No. 107CL22001843-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Wednesday, April 06, 2022

Clerk of Court: GARY M CLEMENS

by _____ 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: MAGNER, JAMES P
6 WIRT STREET NW, 1ST FLOOR
540-431-4400
LEESBURG VA 20176

VIRGINIA:

IN THE CIRCUIT COURT FOR LOUDOUN COUNTY

CHERIAN, Sajeev,

Plaintiff,

v.

Case No. CL22-1843

HARRIS TEETER SUPERMARKETS, INC.,
SERVE: Corporation Service Company,
Registered Agent
100 Shockoe Slip, Fl 2
Richmond, VA, 23219 – 4100

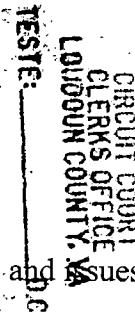
Defendant.

CIVIL COMPLAINT

COMES NOW the plaintiff, by and through the undersigned counsel, and issues this Civil
Complaint, and for his complaint, states as follows:

JURISDICTION and VENUE

1. Plaintiff is a resident of the Commonwealth of Virginia now residing in Loudoun County, Virginia.
2. Defendant is a North Carolina corporation that is authorized to conduct business in the Commonwealth of Virginia, and which maintains grocery store locations throughout Loudoun County, Virginia.
3. The acts and omissions alleged herein occurred at the defendant's grocery store location in Aldie, Virginia.
4. The plaintiff claims damages herein in an amount in excess of the jurisdictional limit of the general district courts.
5. Based upon the foregoing, jurisdiction and venue are appropriate in the Circuit Court for Loudoun County.



FACTS COMMON TO ALL COUNTS

6. On November 08, 2021 the plaintiff entered the defendant's store located at 42015 Village Center Plaza, Unit No. 110, in Aldie, Virginia.
7. The plaintiff walked into the vegetable display section of the store upon entering.
8. The defendant regularly sprays the vegetables in that section with water.
9. Water overspray had leaked onto the floor by one of the vegetable display stands where it created a puddle.
10. The flooring within the store is colored white and is fairly shiny, making the water nearly impossible to see.
11. The plaintiff, not seeing the spilled water, slipped and fell.
12. The plaintiff hit his head and twisted his knee during the fall.
13. The plaintiff remained down on the floor and required the assistance of other shoppers who observed the incident.
14. The defendant's employees and managers did not come to the aid of the plaintiff.
15. The defendant's manager on duty, when alerted to the fall, told the plaintiff that he was fine and that he should get up and go home.
16. Another shopper, whose identity is unknown, called for an ambulance for the plaintiff, which arrived shortly thereafter.
17. When the plaintiff was helped to his feet so that he could leave with the ambulance, the back of his shirt was wet where he had fallen in the puddle.
18. The plaintiff suffered a severe concussion and a torn ligament in his knee, both of which required medical attention, hospitalization and ongoing treatment.
19. The plaintiff is employed as a federal counter terrorism agent, which job requires

him to perform highly physical tasks and for which he is required to regularly pass rigorous physical fitness testing.

20. As a result of the fall, the plaintiff was placed on “desk duty” at his job and, as of the filing of this suit, has not been returned to full duty.

21. If plaintiff is unable to return to full duty at his job, his career with the federal law enforcement agency will be severely impacted.

22. All other facts necessary to support each count are set forth therein, *infra*.

COUNT I. NEGLIGENCE

23. The facts and allegations set forth in paragraphs 1 through 21 above are realleged and are incorporated herein as if each were set forth in its entirety, verbatim.

24. At the time of his fall in the Aldie Harris Teeter location, the plaintiff was an invitee of the defendant.

25. The defendant owed a duty to the plaintiff to ensure that the premises was reasonably safe and free of latent hazards that the defendant knew or should have had knowledge of, or to warn the plaintiff of the unsafe condition of the floor.

26. The water on the floor in the vegetable display area of the store constituted a latent hazard.

27. The defendant failed to either abate the unsafe condition or warn the plaintiff as to the presence of the unsafe condition.

28. The plaintiff had no way to know that the unsafe condition existed and could not therefore take care for his own safety.

29. The defendant’s failure to either abate the unsafe condition or warn the plaintiff as to the presence of the unsafe condition constitutes negligence.

30. As a direct and proximate result of the defendant's negligence, the plaintiff slipped and fell, resulting in physical injury to himself.

31. The plaintiff was damaged in the form of physical injury, medical costs and expenses, lost wages, and long-term harm to his law enforcement career, as well as pain, suffering and inconvenience.

WHEREFORE the plaintiff prays that this Court award him a judgment against the defendant in the amount of \$500,000.00, together with his costs and interest thereon.

JURY DEMAND

The plaintiff hereby demands that this case be tried by a jury.

Respectfully submitted:
Sajeev Cherian
By counsel:



James P. Magner, Esq., VSB No. 45599
Magner Law, PC
6 Wirt Street, NW, First Floor
Leesburg, VA 20176
T (540) 431-4400
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Counsel for the Plaintiff

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. **CL22-1843**

(CLERK'S OFFICE USE ONLY)

Loudoun County

Circuit Court

CHERIAN, Sajeev

PLAINTIFF(S)

v./In re:

HARRIS TEETER SUPERMARKETS, INC.

DEFENDANT(S)

I, the undersigned [] plaintiff [] defendant [X] attorney for [X] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL**Subsequent Actions**

- [] Claim Impleading Third Party Defendant
- [] Monetary Damages
- [] No Monetary Damages
- [] Counterclaim
- [] Monetary Damages
- [] No Monetary Damages
- [] Cross Claim
- [] Interpleader
- [] Reinstatement (other than divorce or driving privileges)
- [] Removal of Case to Federal Court

Business & Contract

- [] Attachment
- [] Confessed Judgment
- [] Contract Action
- [] Contract Specific Performance
- [] Detinue
- [] Garnishment

Property

- [] Annexation
- [] Condemnation
- [] Ejectment
- [] Encumber/Sell Real Estate
- [] Enforce Vendor's Lien
- [] Escheatment
- [] Establish Boundaries
- [] Landlord/Tenant
- [] Unlawful Detainer
- [] Mechanics Lien
- [] Partition
- [] Quiet Title
- [] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
- [] Compromise Settlement
- [] Intentional Tort
- [] Medical Malpractice
- [] Motor Vehicle Tort
- [] Product Liability
- [] Wrongful Death
- [X] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
 - [] ABC Board
 - [] Board of Zoning
 - [] Compensation Board
 - [] DMV License Suspension
 - [] Employee Grievance Decision
 - [] Employment Commission
 - [] Local Government
 - [] Marine Resources Commission
 - [] School Board
 - [] Voter Registration
 - [] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
 - [] Adoption – Foreign
- [] Adult Protection
- [] Annulment
 - [] Annulment – Counterclaim/Responsive Pleading
- [] Child Abuse and Neglect – Unfounded Complaint
- [] Civil Contempt
- [] Divorce (select one)
 - [] Complaint – Contested*
 - [] Complaint – Uncontested*
 - [] Counterclaim/Responsive Pleading
 - [] Reinstatement – Custody/Visitation/Support/Equitable Distribution
- [] Separate Maintenance
 - [] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
- [] Habeas Corpus
- [] Mandamus
- [] Prohibition
- [] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
- [] Aid and Guidance
- [] Appointment (select one)
 - [] Guardian/Conservator
 - [] Standby Guardian/Conservator
 - [] Custodian/Successor Custodian (UTMA)
- [] Trust (select one)
 - [] Impress/Declare
 - [] Reformation
 - [] Will (select one)
 - [] Create
 - [] Amend
 - [] Probate

MISCELLANEOUS

- [] Appointment (select one)
 - [] Church
 - [] Conservator of Peace
 - [] Marriage Celebrant
- [] Bond Forfeiture Appeal
- [] Declaratory Judgment
- [] Declare Death
- [] Driving Privileges (select one)
 - [] Reinstatement pursuant to § 46.2-427
 - [] Restoration – Habitual Offender or 3rd Offense
- [] Expungement
- [] Firearms Rights – Restoration
- [] Forfeiture of U.S. Currency
- [] Freedom of Information
- [] Injunction
- [] Interdiction
- [] Interrogatory
- [] Judgment Lien-Bill to Enforce
- [] Law Enforcement/Public Official Petition
- [] Name Change
- [] Referendum Elections
- [] Sever Order
- [] Taxes (select one)
 - [] Correct Erroneous State/Local
 - [] Delinquent
- [] Vehicle Confiscation
- [] Voting Rights – Restoration
- [] Other (please specify)

[X] Damages in the amount of \$ 500,000.00 are claimed.

April 5, 2022

DATE

James P. Magner, Esq./Magner Law, PC

PRINT NAME

6 Wirt St., NW, First Floor, Leesburg, VA 20176

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

540-431-4400

jim@magnnerlaw.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

[] PLAINTIFF [] DEFENDANT [X] ATTORNEY FOR [X] PLAINTIFF
[] DEFENDANT

**"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.